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CLAIM OBJECTION

In paragraph one of the Office Action, claim 20 was objected to on the grounds of improper dependency. Applicants have amended claim 20 to properly depend from claim 19. Therefore, Applicants submit that claim 20 is patentably distinct.

CLAIM REJECTIONS - 35 U.S.C. §112

In paragraph three of the Office Action, claims 10-12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to distinctly claim the subject matter of the invention.

Applicants have amended claims 10-12 to remove any indefiniteness and distinctly claim the subject matter of the invention. The amendment to each of these claims is supported by written disclosure in the Application. Accordingly, amended claims 10-12 are patentably distinct.

CLAIM REJECTIONS - 35 U.S.C. §102

In paragraph five of the Office Action, claims 1-3, 10-12, 15-19, 22-26, 33, 34, and 38 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,669,639 to Lawrence ("Lawrence"). Applicants respectfully traverse this rejection.

Independent claim 1 is directed to a tilt-latch for a sash window disposed within opposed guide rails on a master frame and requires, among other things: a housing adapted to be supported by the top rail, the housing having an outward end opening and a cover; a latch bolt disposed within the housing and having a nose adapted for engaging a respective one of the guide rails; and, an actuator connected to the latch bolt and sized to be positioned over the entire cover.

As shown in the exploded view of FIG. 7, Lawrence discloses a latch mechanism 16 having a top section 30, a bolt 20, and a bottom section 31. The bolt 20 is operably supported by the bottom portion 31 with the spring 27 engaging a rear wall of the bottom portion 31. Referring to FIGS. 7-9, the top section 30 has a pair of depending pins 26, 26' that are received by openings 46, 46' in the bottom section 31 to join the top and bottom sections 30, 31. As shown in FIG. 3, the latch mechanism 16 has an crescent-shaped actuator (unlabeled) that extends from the bolt 20 through an opening in the top surface 24 of the top section 30. Similarly and as shown in FIG. 4, the latch mechanism 17 has an hemispherical-shaped actuator (unlabeled) that extends from the bolt 20 through an opening in the top surface 24 of the top section 30.

Lawrence does not disclose or suggest a tilt-latch having an actuator connected to the latch bolt and sized to be positioned over the entire cover. On page 3 of the Office Action, the Examiner construed the top section 30 as the claimed actuator and stated that it was "...connected to the latch bolt and sized to be positioned over the entire cover." This construction is erroneous and leads to an improper anticipation rejection for at least the following reasons. First and as shown in Fig. 7, the top section 30 has two depending pins 26 that secure the top section 30 to the bottom section 31 - not the bolt 20. One of ordinary skill in the art recognizes that if the top section 30 was connected to the bolt 20 in the manner contemplated by the Examiner, movement of bolt 20 would be precluded, thus negating a key aspect of the latch 16. Second, the crescent-shaped actuator of FIG. 3 and the hemispherical-shaped actuator of FIG. 4 are not sized to be positioned over the top section 30. In fact, the aforementioned actuators are relatively small structures that merely extend through an opening in the top section or cover 30. For at least these reasons, Lawrence does not disclose or

suggest a tilt-latch having an actuator connected to the latch bolt and sized to be positioned over the entire cover. Accordingly, independent claim 1 is patentably distinct and is neither anticipated by nor suggested by Lawrence.

Claims 2, 3, 10-12, and 15-19 depend from independent claim 1 and thereby require all of the limitations of that claim. For the reasons stated above with respect to claim 1, these claims are patentably distinct and are neither anticipated by nor suggested by Lawrence.

Independent claim 22 is directed to a tilt-latch for a sash window and requires, among other things: a plastic housing adapted to be supported by the top rail, the housing having an outward end opening; a plastic latch bolt disposed within the housing and having a nose adapted for engaging a respective one of the guide rails; and a metal actuator connected to the latch bolt.

2 Lawrence does not disclose or suggest a tilt-latch having a metal actuator connected to the latch bolt. On page 3 of the Office Action, the Examiner stated that Lawrence discloses an actuator made of metal and cited to Column 3, lines 48-50 for support. Applicants have closely reviewed that section and submit that Lawrence merely discloses a "bottom section formed from metal such as cast zinc or suitable plastics..." (emphasis added) (Col. 3, lns. 48-50). As explained above and as shown in FIG. 7, the bottom section 31 is entirely distinct from the actuator (of FIGS. 3 and 4) that extends from the bolt 20 through an opening in the top section 30. For these reasons, Lawrence does not disclose or suggest a metal actuator, let alone a metal actuator connected to the bolt. Consequently, independent claim 22 is patentably distinct and is neither anticipated by nor suggested by Lawrence.

Claims 23-26 depend from independent claim 22 and thereby require all of the limitations

of that claim. For the reasons stated above with respect to claim 22, these claims are patentably distinct and are neither anticipated by nor suggested by Lawrence.

Claim 33 is directed to an actuator for a tilt-latch for a sash window and requires, among other things: a housing adapted to be supported by the top rail, the housing having an outward end opening and a cover; a latch bolt disposed within the housing and having a nose adapted for engaging a respective one of the guide rails; and, an actuator having an elongated body connected to the latch bolt and sized to be positioned over the entire cover.

For the same reasons explained above with respect to claim 1, Lawrence does not disclose or suggest a tilt-latch with *an actuator having an elongated body connected to the latch bolt and sized to be positioned over the entire cover*. Accordingly, independent claim 33 is patentably distinct and is neither anticipated by nor suggested by Lawrence.

ALLOWABLE SUBJECT MATTER

On page four of the Office Action, the Examiner indicated that independent claims 39 and 40 are allowed. The Examiner further indicated that claims 4-9, 13, 14, 21, 27-32, and 35-37 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Consistent with the Examiner's statements, Applicants have added claims 41-58 (wherein independent claims 41 relates to claim 4 written in independent form; claim 42 relates to claim 5 written in independent form; claim 43 relates to claim 6 written in independent form; claim 47 relates to claim 13 written in independent form; claim 48 relates to claim 14 written in independent form; claim 49 relates to claim 21 written in independent form; claim 50 relates to claim 27 written in independent form; claim 51 relates to claim 28 written in independent form;

claim 52 relates to claim 29 written in independent form; claim 53 relates to claim 30 written in independent form; claim 54 relates to claim 31 written in independent form; claim 55 relates to claim 32 written in independent form; claim 56 relates to claim 35 written in independent form; claim 57 relates to claim 36 written in independent form; and, claim 58 relates to claim 37 written in independent form). Based upon the Examiner's indication of allowable subject matter, these claims are in allowable form.

CONCLUSION

In view of the foregoing, Applicants believe the Application is in a condition for allowance, and respectfully request early notice of the same. Applicants request that the Examiner call the undersigned attorney if the Examiner has any questions concerning this Reply, or if it will expedite the progress of this Application.

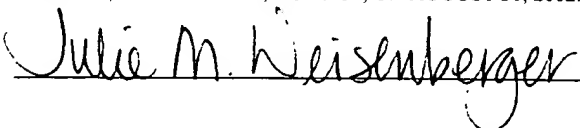
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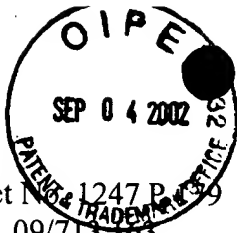
Date: August 30, 2002

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Attachment A

Marked-Up Version of Claims In Accordance with 37 C.F.R. 1.121

10. (Amended) The tilt-latch of claim 1 wherein the [cover] actuator has an underside surface, the underside surface having a recessed portion accommodating the cover of the housing.
11. (Amended) The tilt-latch of claim 10 wherein the [cover] actuator is rectangular, the recessed portion being rectangular and corresponding in size to the cover.
12. (Amended) The tilt-latch of claim 10 wherein the cover has a rear transverse edge that engages a rear transverse edge defined by the recessed portion of the actuator.
20. (Amended) The tilt-latch of claim [21] 19 wherein each header slot defines a pair of header rails and the housing has sidewalls wherein the means for supporting comprises a longitudinal groove on each sidewall, the longitudinal groove receiving the header rail to support the housing in the top rail.

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